UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
ARMSTRONG, ANGELA A

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	09/783,725	FIRMAN, THOMAS R.
	Examiner	**Art Unit**	
	Angela A. Armstrong	2626	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>24 January 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>4-7,14,16-57 and 60-62</u> is/are pending in the application.

    4a) Of the above claim(s) <u>4,5 and 16-34</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>6-7,14,35-37,60-62</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2.   Claims 14 and 60-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldhor (US Patent No. 5,231,670) in view of Porter (US Patent 4,829,576).

3.   Regarding claims 14 and 60-62, Goldhor teaches a system and or method for generating text from a voice input that divides the processing of each speech event into a dictation event and a text event. The teachings of Goldhor provide for the system and method to process both simple spoken words as well as spoken commands and to provide the necessary text generation in response to the spoken words or to execute an appropriate function in response to a command. Speech recognition includes the ability to distinguish between dictation text and commands. (Figure 1, elements 12, 14, 16, 18, "recognizer"; col. 1, lines 17-20 55-68; col. 2, lines 1-2; col. 4, lines 10-13; col. 5, lines 40-55; col. 6, lines 46-48). Which reads on a voice user interface device comprising means for converting a voiced utterance into a corresponding signal as an input to a computer or into an internal command to the interface device and means for recognizing the voiced utterance as either one to be converted to said signal or as one to be converted to said command, since the system specifically receives the input speech and determines if the speech is for text or is a command and makes changes to new sets of utterances when creating new dictation events or new text events. Goldhor does not provide for the converter to determine the changing commands. Porter discloses a voice recognition system

for providing speech recognition systems, which recognize commands for use with a text editor.

The recognition system is used with command words for finding files, searching for text strings,

implementing a scheme for selecting menu choices, such that menus are manipulated so as to

display a particular of choices (search or find file) and for selection of the desired displayed

command (Col. 7, line 33 to col. 8, line 31; col. 18, line 44 to col. 21, line 5; Figure 41; col. 21,

line 39 to col. 22, line 34). Porter specifically teaches the system is designed so as to improve

the ease and reliability with which humans can control computer systems which deal with

elements contained in data structures, such as words in text files or names in a database (col. 2,

lines 15-27). It would have been obvious to one of ordinary skill at the time of the invention to

modify the system of Goldhor to implement changing a set of voiced utterances or commands to

be recognized based on an input command as taught by Porter, for the purpose of improving the

ease and reliability of the recognizer, as also suggested by Porter.

4.   Claims 6-7, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Goldhor (US Patent No. 5,231,670) in view of Torres (US Patent No. 4,821,211).

5.   Regarding claim 6, Goldhor teaches a voice user interface system for producing input to a

computer, and a program for execution on said computer, a state of said program, said

configuration being associated with control of said program, comprising a voice recognizer for

recognizing a voiced utterance and for providing corresponding signals as input to said computer

(Figure 1, elements 12, 14, 16, 18, "recognizer"; col. 1, lines 17-20 55-68; col. 2, lines 1-2; col.

4, lines 10-13; col. 6, lines 46-48), and a converter for converting said voiced utterance into a

command string including a command directing motion of said pointer relative to said

configuration (col. 1, lines 17-20 55-68; col. 2, lines 1-2; col. 4, lines 10-13; col. 6, lines 46-48).

Goldhor does not specifically teach mimicking mouse commands or various details

related to the display of the graphical user interface. Torres teaches a method and apparatus for

Navigating among program menus using a graphical menu tree and provides a description of

well known cursor functionality and graphical user interface display for permitting computer

users to access computer applications and manage windows by graphically designating graphic

representations (which reads on "graphical elements") and manipulating those graphical

representations ("graphical elements") via a graphic pointing device or voice interaction (Figures

1-3 and 4D; col. 3, line 64 to col. 5, line 56).

It would have been obvious to one of ordinary skill at the time of the invention to provide

for the manipulation of the movement of the cursor via vocal interaction as taught by Torres, in

the system of Goldhor, because this would enable a person who is not physically able to move

the cursor to be able to move the cursor or access and control icons/applications via vocal

commands.

Torres does not specifically teach the manipulation of graphical representations via

specifying coordinates. However, manipulating graphical representations and facilitating

movement on a graphical display by specifying coordinates of desired locations was well known.

It would have been obvious to one of ordinary skill at the time of the invention to provide for the

manipulation of the movement of the cursor via vocal interaction as taught by Torres, and to

allow for vocal command movements via specified coordinates, as was well known, in the

system of Goldhor, for the purpose of enabling a person who is not physically able to move the

cursor to be able to move the cursor or access and control icons/applications via vocal

commands.

6.   Regarding claim 7, Goldhor teaches command string further comprises a command to

said program at (col. 1, lines 17-20 55-68; col. 2, lines 1-2; col. 4, lines 10-13; col. 6, lines 46-

48).

8.   Claims 35-40 and 52-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Torres (US Patent No. 4,821,211).

9.   Regarding claim 35, Torres teaches a method and apparatus for navigating among

program menus using a graphical menu tree and provides a description of well known cursor

functionality and graphical user interface display for permitting computer users to access

computer applications and manage windows by graphically designating graphic representations

and manipulating those graphical representations via a graphic pointing device or voice

interaction (Figures 1-3 and 4D; col. 3, line 64 to col. 5, line 56), which reads on a method for

use with a machine having a graphical user interface and an application program, the method

comprising the graphical user interface being controlled at least in part by a control signal that

can be invoked in response to the pointing device and the graphical user interface enabling a user

to launch the application program and receiving a voice utterance from a user.

         Torres does not specifically disclose launching the application program in response to the

received voiced utterance without invoking the control signal. However, the teachings of Torres

specifically disclose using voice interaction to control system functionality (col. 4, lines 16-17).

It would have been obvious to one of ordinary skill at the time of the invention to use the

system of Torres to launch application programs via voice control and interaction so as to

provide computer access to application programs for physically challenged individuals.

Regarding claim 36, Torres teaches an operating system with a graphical interface at

(col. 4, lines 3-6).

Regarding claim 37, Torres teaches the graphical user interface is shown on a display at

col. 3, line 67.

Regarding claim 38, Torres teaches the machine comprises a computer (col. 4, lines 1-7).

Regarding claim 39, similar limitations to claim 35 are discussed above. Additionally

Torres teaches there are multiple application programs (Figures 1-3 and 4D; col. 3, line 64 to col.

5, line 56).

Regarding claim 40, similar limitations to claim 35 are discussed above. Additionally,

Torres teaches there are multiple application programs, an operating system provides the

graphical user interface, the graphical user interface is shown on a display, and the machine

comprises a computer (Figures 1-3 and 4D; col. 3, line 64 to col. 5, line 56),

Regarding claim 52, similar limitations to claims 35, 41 and/or 45 are discussed above.

Additionally, Torres teaches selectable menu items (Figures 1-3 and 4D).

Regarding claim 53, similar limitations to claim 35 are discussed above. Additionally

Torres teaches there are multiple graphical representations (Figures 1-3 and 4D; col. 3, line 64 to

col. 5, line 56).

Regarding claim 54, Torres teaches the graphical user interface is shown on a display at

col. 3, line 67.

Regarding claim 55, Torres teaches the machine comprises a computer (col. 4, lines 1-7).

Regarding claim 56, Torres does not specifically disclose performing a function associated with a menu item in response to a second received voiced utterance. However, the teachings of Torres describe the well-known implementation of a pointer for accessing computer applications and disclose using voice interaction to control system functionality.

It would have been obvious to one of ordinary skill at the time of the invention to use the system of Torres to provide application programs or other menu item functionality via second or additional received voiced utterances so as to provide computer access to application programs for physically challenged individuals.

Regarding claims 57, Torres teaches manipulating other graphical items includes altering size and location of a window (Figures 1-3 and 4D; col. 3, line 64 to col. 5, line 56).

10.   Claims 41-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torres (US Patent No. 4,821,211) in view of Porter (US Patent No. 4,829,576).

11.   Regarding claim 41, Torres teaches a method and apparatus for navigating among program menus using a graphical menu tree and provides a description of well known cursor functionality and graphical user interface display for permitting computer users to access computer applications and manage windows by graphically designating graphic representations and manipulating those graphical representations via a graphic pointing device or voice interaction (Figures 1-3 and 4D; col. 3, line 64 to col. 5, line 56), which reads on a method for use with a machine having a graphical user interface and an application program, the method comprising the graphical user interface being controlled at least in part by a control signal that

can be invoked in response to the pointing device. Torres does not teach manipulating a

graphical item separately from the cursor. Porter discloses a voice recognition system for

providing speech recognition systems, which recognize commands for use with a text editor.

The recognition system is used with command words for finding files, searching for text strings,

manipulating menus so as to display a particular menu of choices (search or find file) and for the

selection of the desired displayed command (Col. 7, line 33 to col. 8, line 31; col. 18, line 44 to

col. 21, line 5; Figures 36-37 and 40-41; col. 21, line 39 to col. 22, line 34). Porter specifically

teaches the system is designed so as to improve the ease and reliability with which humans can

control computer systems which deal with elements contained in data structures, such as words

in text files or names in a database (col. 2, lines 15-27). It would have been obvious to one of

ordinary skill at the time of the invention to modify the system of Torres to implement changing

a set of voiced utterances to be recognized based on an input command as taught by Porter, for

the purpose of improving the ease and reliability of the recognizer, as also suggested by Porter.

Regarding claim 42, Torres teaches an operating system with a graphical interface at

(col. 4, lines 1-17).

Regarding claim 43, Torres teaches the graphical user interface is shown on a display at

col. 3, line 67.

Regarding claim 44, Torres teaches the machine comprises a computer (col. 4, lines 1-7).

Regarding claim 45, similar limitations to claim 41 are discussed above. Additionally

Torres teaches there are multiple graphical items and manipulating the other graphical items

(Figures 1-3 and 4D; col. 3, line 64 to col. 5, line 56), as various menu items, windows or

graphical representations to which the user has access and control.

Regarding claims 46-51, Torres teaches manipulating other graphical items includes

altering size and location of a window (Figures 1-3 and 4D; col. 3, line 64 to col. 5, line 56).

Response to Arguments

Applicant's arguments with respect to claims 6 and 14 have been considered but are moot

in view of the new ground(s) of rejection.

Applicant's arguments filed January 24, 2007, have been fully considered but they are not

persuasive. Applicant argues Goldhor and Porter do not anticipate or render claim 14 obvious.

The Examiner cannot concur. Porter disclosure of controlling computer systems, which deal

with elements in a data structure such as words in a text file or names in a database, provides

support for words, utterances or commands that are dynamic and can be changed.

Applicant argues Torres does not disclose or render obvious launching an application

program without invoking a control signal that can be invoked in response to a pointing device

on a machine. Applicant also argues Torres does not disclose or render obvious displaying a

menu without invoking a control signal that may be sent by a pointing device. The Examiner

cannot concur. Torres teaches a method and apparatus for navigating among program menus

using a graphical menu tree and provides a description of well known cursor functionality and

graphical user interface display for permitting computer users to access computer applications

and manage windows by graphically designating graphic representations and manipulating those

graphical representations via voice interaction. Torres suggests control is provided by either

keyboard, mouse, touch screen or voice interaction, so as to provide control by keyboard or

mouse or touch screen or voice interaction. Torres' specific teaching that the system allows for

navigating program menus and the well known cursor functionality for permitting users to access

computer applications and manage windows which can be achieved via voice interaction

provides adequate support for launching an application program without invoking a control

signal that can be invoked in response to a pointing device on a machine as well as displaying a

menu without invoking a control signal that may be sent by a pointing device.

Applicant argues Porter does not disclose or render obvious manipulating a graphical

item separately from the cursor. The Examiner cannot concur. Porter's system provides for

manipulating items displayed to the user via voice commands as well as manipulating menus so

as to display a particular menu of choices (search or find file) and for the selection of the desired

displayed command without the cursor. Torres teaches specific manipulation of graphical

representations, and thus the combination of Torres and Porter provide adequate support for the

manipulation of graphical items separately from the cursor.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Angela A. Armstrong whose telephone number is 571-272-7598.

The examiner can normally be reached on Monday-Thursday 11:30-8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Patrick Edouard can be reached on 571-272-7603. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Angela A Armstrong
Primary Examiner
Art Unit 2626

AAA
April 30, 2007